

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC (A) No. 1006 of 2021

Biju S/o Jawahar Lal, Aged About 45 Years, Caste -Ahir, R/o Gram Parpatiya, Thana Kamleshwarpur, Tehsil -Narmadapur, District -Surguja, Chhattisgarh.

---- **Applicant**

Versus

State of Chhattisgarh Through S.H.O. Police Station -Kamleshwarpur, Tehsil -Narmadapur, District -Surguja, Chhattisgarh.

--- **Respondent**

For Applicants	: Mr. Awadh Tripathi, Advocate.
For State	: Ms. A.S. Chauhan, PL.

Hon'ble Shri Justice Parth Prateem Sahu
Order on Board

09/09/2021

Heard.

1. Applicant has filed this bail application under Section 438 of Cr.P.C. apprehending his arrest in connection with Crime No.45/2021 registered at Police Station –Kamleshwarpur, Distt -Surguja, (CG), for the offence punishable under Sections 354, 294, 506, 323 of of the Indian Penal Code.
2. Case of the prosecution, in brief, is that on 18.06.21 at about 03:00 pm, complainant was in her agriculture field for supervision, at that time applicant came there from behind, caught hold of her and started misbehaving with her. On raising objection by her, he threatened to assault her by means of axe which he was holding in his hand. She started shouting, upon which her co-sister Bula Yadav came there and intervened. On same day at about 06:00 PM, incident was reported to concerned Police Station, based upon which, crime is registered against applicant.
3. Learned counsel for the applicant submits that there was some dispute between complainant with one Chaingi Bai. Complainant went to place where Chaingi Bai had constructed hut, started abusing and assaulting Changi Bai and her sister. Next day, Chaingi Bai lodged report against complainant in respect of incident dated 18.06.21 and for this reason, applicant has been falsely implicated in instant crime.

4. Learned State Counsel opposes the submissions of learned counsel for the applicant and submits that complaint against applicant is of incident on 18.06.21 at about 03:00 pm. Incident was witnessed by Bula Yadav and immediately thereafter report was lodged on same day at about 06:00 pm. From perusal of document placed on record as Annexure A-2, it appears that there is no relationship between complainant therein and present applicant. Looking to the allegations levelled against applicant, he is not entitled for grant of anticipatory bail.
5. Heard learned counsel for the parties and perused the case diary.
6. Incident reported against applicant is of 18.06.21 at about 03:00 pm. Incident was reported on same day at about 06:00 pm ie within three hours. Perusal of Annexure A-2 shows that report was lodged by one Changi Bai against complainant in respect of incident dated 18.06.21 based upon which, FIR was lodged on 19.06.21. Complainant in Annexure A-2 is Changi Bai wife of Samor Majwar. From the document Annexure A-2, it does not appear of having any relationship of Chaingi Bai with applicant.
7. Considering the entire facts and circumstances of the case, nature of allegation levelled against applicant, I do not find it to be a fit case to enlarge applicant on anticipatory bail. Accordingly, anticipatory bail application is dismissed.

Sd/-
(Parth Prateem Sahu)
Judge

Jamal/-